

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated April 14, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-14 are pending in the Application. The specification is amended herein to correct a clerical error noted upon review of the specification. Specifically, the specification is amended to clarify that FIG. 4a shows content protection information 20, i.e. a key block in this case, stored in a side channel of the data zone 7. This error is clear from the specification and particularly, the rest of the corrected paragraph which makes clear that in FIG. 4q, the key block 20 "is stored in a side channel of the data zone." Accordingly, consideration and allowance of the correction to the specification is respectfully requested.

In the Final Office Action, the drawings are objected to because it is alleged that "the amended feature 'stored in said side channel in a pregroove in said data zone' must be shown or the feature canceled from the claims." The objection to the drawings is respectfully traversed. It is respectfully submitted that this feature is already present in the drawings as presented. In fact,

each of FIGs. 4a-4d show content protection information for protection of said content is stored in said side channel generally. It is clear from a simple inspection of the figures that the copy protection information is stored in a side channel as illustrated (e.g., graphically illustrated as occupying only a portion of the data area). The specification in discussing the present system makes clear that "[i]n one embodiment of a record carrier according to the invention said record carrier is a DVD+R disc or a DVD+RW disc and said side channel is an ADIP side channel, i.e. the ADIP in the data area is preferably used as a location to store key blocks necessary for a content protection system." (See, Present Application, page 3, lines 27-30.) The specification further makes clear that (emphasis added) "the ADIP (Address in Pregroove) is a high frequency phase modulated wobble which contains address information ..." (See, Present Application, page 3, lines 1-3.) Accordingly and as is clear to a person of ordinary skill in the art, the figures, such as FIG. 4a, clearly show "stored in the pregroove in the data zone", such as key block 20 shown in FIG. 4a. It is respectfully submitted that the drawings are in proper form and withdrawal of the objection to the drawing is respectfully requested.

Claims 1-14 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. The rejection of claims 1-14 is respectfully traversed. The Final Office Action cites paragraph [0011] of the Present Application in support of the position that "the amended feature 'pregroove' should be in the initial zone and can not be located in the data zone." (See, Final Office Action, page 2 continuing to page 3.) However, reliance on paragraph [0011] of the Present Application in support of the notion is misplaced.

Paragraph [0011] of the present application states in pertinent part (emphasis added), "E.g. on DVD+R\W media the ADIP (Address in Pregroove) is a high frequency phase modulated wobble which contains address information and (in the lead-in zone only) parameters to aid the physical recording process for this particular media (laser power, write strategy, disc manufacturer etc.)..." As is clear from the paragraph, the ADIP is contained in both the data zone and the lead-in zone, however, "only in the lead-in zone" does the ADIP contain parameters such as laser power, write strategy, disc manufacturer etc.

Accordingly, it is respectfully submitted that claims 1-14 are definite and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

Claims 1-12 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,633,534 to Tosaki ("Tosaki"). Claims 13 and 14 are rejected under 35 U.S.C. §103(a) over Tosaki in view of U.S. Patent No. 6,236,727 to Ciacelli ("Ciacelli"). The rejection of claims 1-14 is respectfully traversed.

It is respectfully submitted that claims 1-14 are allowable over Tosaki alone and in view of Ciacelli for at least the following reasons.

Tosaki shows a write-once DVD 1 that (emphasis added) "has a test area 3 provided inside the lead-in area 4, which is used inside the lead-in area 4 ..." (see, Tosaki, abstract, FIGs. 1a, 1B, and Col. 6, lines 40-43, cited in the Office Action). Accordingly, while Tosaki shows test information, it is clear that Tosaki teaches the test information is in the lead-in area and not in the data area 5 (see, Tosaki, FIGs. 1A, 1B, 2).

It is respectfully submitted that the record carrier of claim 1 is not anticipated or made obvious by the teachings of Tosaki. For example, Tosaki does not disclose or suggest, a record carrier

that amongst other patentable elements, comprises (illustrative emphasis added) "a main channel storing content and a side channel storing address information and data relevant for making recordings, wherein content protection information for protection of said content is stored in said side channel in a pregroove in said data zone, wherein the main channel is for recording information in said data zone" as recited in claim 1, and as similarly recited in each of claims 9-12. Ciacelli is introduced for allegedly showing elements of the dependent claims and as such, does nothing to cure the deficiencies in Tosaki.

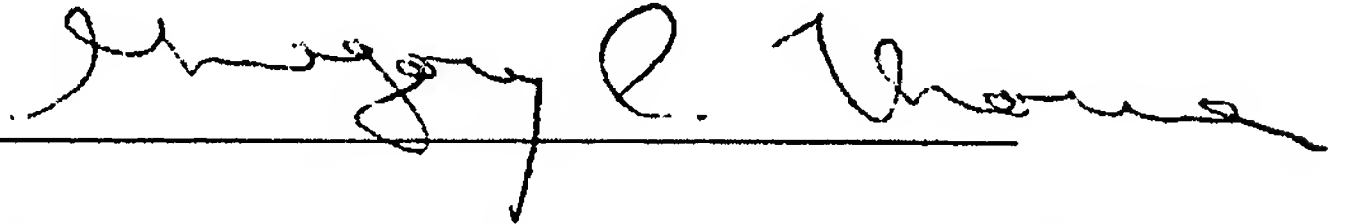
Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 9-12 are patentable over Tosaki alone and in view of Ciacelli and notice to this effect is earnestly solicited. Claims 2-8 and 14 respectively depend from one of claims 1 and 13 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of

argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398

Attorney for Applicant(s)

June 15, 2009

**THORNE & HALAJIAN, LLP**

Applied Technology Center

111 West Main Street

Bay Shore, NY 11706

Tel: (631) 665-5139

Fax: (631) 665-5101